IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

Appeal Loding No.l7 of 2005
in
Insolvency Petition no. 23 of 2002
in
Award No. 6l of l999

Mrs Lily A Ghosh .. appellant
vs
Smt Surajben N Shah and ors.. respondents

Mr.Uday Bobde i/b D P Guehiya for appellant
Snehal Shah for respondent no.l
Ms Pradhan lst Master Official Assignee

CORAM: A.P.SHAH & S.J.VAZIFDAR JJ.

Dated 14.3.2005

P.C:

. Heard Mr.Bobde, learned counsel appearing for the appellant and Mr. Shah for respondent no.l. Perused the records including the order of the learned single Judge. There is no dispute that the arbitration award was made in the sum of Rs.34,5l,570.50 with interest againt the appellant. There is also no dispute that the petition challenging the validity of the award was dismissed by the learned single Judge and the appeal preferred by the appellant has been dismissed by the Division Bench. An insolvency notice has been served on the appellant on the basis of arbitartion award. The notice of motion taken out for setting aside the insolvency notice has also been dismissed

by this court. In these circumstacnes there is hardly any defence available to the appellant and the contention that the appellant isholding certain shares, which have been already attached and if those shares are sold by this court the amount could be recovered, cannot be enteratined by this belated stage. It appears that part of the shares are held by the husband of the appellant and is not prepared to transfer his share holding. Under the circumstances the learned single Judge has rightly made the petition absolute in terms of prayer clauses (a) and (b). In the circumstnaces no interference isc alled for with the impugne dorder of the learned single Judge .Appeal is dismissded.